

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISMAEL GARCIA, SR.,

Defendant.

CASE NO. CR18-0033-JCC

ORDER

This matter comes before the Court on Defendant Ismael Garcia Sr.'s unopposed second motion to continue trial (Dkt. No. 71). Co-Defendant Anthony Bustos does not oppose this motion. (*Id.* at 1.) Defendants have filed waivers of speedy trial up to November 30, 2018. (Dkt. Nos. 72, 78.) Having thoroughly considered Defendant's briefing and the waivers of speedy trial, the Court GRANTS the motion (Dkt. No. 71), and CONTINUES trial in the above captioned matter to November 13, 2018 at 9:30 AM. The Court FINDS that:

1. Taking into account the exercise of due diligence, a continuance is necessary to allow the defense the reasonable time for effective preparation and review of relevant foreign-language discovery materials. 18 U.S.C. § 3161(h)(7)(B)(iv).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

1 3. A continuance is necessary to ensure adequate time for defense investigation, effective
2 trial preparation, and an opportunity for Defendant to benefit from these efforts. On this
3 basis, the Court finds that the ends of justice served by granting this continuance
4 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
5 § 3161(h)(7)(A).

6 It is thus ORDERED that trial shall be continued from October 9, 2018 to November 13,
7 2018 at 9:30 a.m., and that the time between the date of this Order and the new trial date is
8 excludable time under the Speedy Trial Act pursuant to Title 18, United States Code, Sections
9 3161(h)(7)(A), 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iv) and 3161(h)(6). Any pre-trial motions shall
10 be filed no later than September 28, 2018.

11 For the foregoing reasons, Defendant's motion to continue trial (Dkt. No. 71) is
12 GRANTED.

13 DATED this 31st day of August 2018.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE